

REMARKS

Interview

Applicant respectfully requests an interview, prior to the Examiner acting on this amendment.

Claim Rejections - 35 USC § 112

The previously pending claims have been replaced with new claims, based on prior claims 24-28 and 30-38. Previously, these claims were indicated to read on elected species II, Figures 3-10. In an effort to clarify the pending issues, the previously pending claims are replaced with claims based on claims 24-28 and 30-38. No new matter is entered.

As per claim 57, the inventive drink container holding apparatus comprises:

an object attachment device (bracket 40 comprised of parts 42, 44 in the elected species of Figures 3-7; 2, 3 in the embodiment of Figures 1-2) adapted for attachment to an object (1) and including a holder engagement portion (entry slot 5 and the surrounding region); and

a drink container holder (31; 8, 9) including attachment device engagement portion (30 comprised of elements 6, 7 of Figures 3-7; 6,7 in Figure 1) to engage with the holder engagement portion.

As per claim 57, the holder engagement portion (entry slot 5) and the attachment device engagement portion (30, 6, 7), when engaged, allow free relative angular movement between the object attachment device and the drink container holder in a selected plane, and the drink container holder and the object attachment device are engaged or disengaged by orientating the holder engagement portion and the attachment device engagement portion in a pre-determined relative angular disposition in the selected plane and moving the attachment device engagement portion and holder engagement portion relative to each other in a direction perpendicular to the selected plane to effect the engagement or disengagement.

A person skilled in the art would understand from the specification and in particular Figures 1 and 2, that the shaft 7 (equivalent to the attachment device engagement portion 30) when oriented in the way as soon as shown in Figure 2 can pass into the object attachment device equivalent that are formed by parts 2 and 3 in Figure 1 such that the projections 6 of the attachment device engagement portion equivalent can engage in the holder engagement portion (slot 5).

It would also be understood by one of skill, that this process can be reversed to disengage the object attachment device from the drink container holder.

It is clear that the object attachment device and the drink container holder can therefore freely swing in angular movement relative to each other and not disengage therefrom.

A corresponding construction is shown in Figures 3 through 7 whereby the attachment device engagement portion is separate and removable to the drink container holder yet still engages with the holder engagement portion of the object attachment device.

The new claim set is thus believed to remedy both the 112, first and second issues.

Withdrawal of the 112 rejections is therefore solicited.

Note that the claim set requires the relative movement of the object attachment device and the drink container holder, when engaged, be a free relative angular movement. Basis for this amendment is found on at least page 3 of US 2006/0284040 in paragraph 53.

New Claims To Withdrawn Species

Claims 71-74 are new and are directed to species illustrated in Figures 11-17 (i.e., withdrawn species). No new matter is entered by these claims. As these claims include all the features of claim 57, upon allowance of claim 57, applicant solicits rejoinder and allowance of these claims.

Claim Rejections - 35 USC § 103

Claims 43-56 were rejected under 35 U.S.C. 103(a) as being unpatentable over Leasure 6,679,465 in view of Kurtz 5,996,957.

The present claim set is believed to be both novel and no-obvious.

The claim set requires the relative movement of the object attachment device and the drink container holder, when engaged, be a free relative angular movement.

Leasure has a ratcheted engagement of the two parts and therefore this is not free relative angular movement under action of gravity or similar.

Similarly, Kurtz does not have a free relative angular movement of the drink container holder. Rather, Kurtz is sprung loaded so that it is a ratcheted engagement and not free angular movement, for example, under gravity or similar.

Further, it is noted that Leasure discloses a bow rest with a complementary engaging ratchet surfaces on the object attachment device (first member or base plate 22) and the holder (second member or bow rest 42) which retain the object attachment device and the holder in a fixed relative relationship when the holder connector and attachment device connector are engaged (Leasure, column 2, lines 30-32 and column 2, lines 53-55).

The secondary citation, Kurtz, similarly discloses a rotatable locking mechanism (Kurtz column 4, lines 12-30), but

which allows the orientation of the beverage holder to be adjusted.

Neither reference teaches, or would be modified, to provide for the relative movement of the object attachment device and the drink container holder, when engaged, be a free relative angular movement.

Also, one of skill in the beverage holder art would not look to the bow rest art for guidance, as these two arts are completely separate. Nor would one of skill modify a bow rest to include a drink container holder, comprised of a ring and/or frame. Thus, this is another reason the rejection is not viable.

The dependent claims are allowable at least for depending from an allowable claim.

Reconsideration and allowance of all the claims is solicited.

Summary

The case is believed to be in condition for allowance.

Entry of the above amendments is earnestly solicited. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Roland E. Long, Jr./
Roland E. Long, Jr., Reg. No. 41,949
209 Madison Street
Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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